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# Medicare

## Comments and Responses Regarding Draft Local Coverage Determination: Immunohistochemistry

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As an important part of Medicare Local Coverage Determination (LCD) development, National Government Services solicits comments from the provider community and from members of the public who may be affected by or interested in our LCDs. The purpose of the advice and comment process is to gain the expertise and experience of those commenting.

We would like to thank those who suggested changes to the draft Immunohistochemistry LCD. The official notice period for the final LCD begins on October 1, 2008 and the final determination will become effective on November 15, 2008.

*Comment:* A commenter questioned the need for IHC for certain indications.

*Response:* As noted in the "Documentation Requirements" section of the LCD, the medical record must contain information to support the medical necessity of any services provided.

*Comment:* Two commenters pointed out that it is inappropriate to refer a maximum number of IHC stains and requested that this statement be omitted from the LCD.

*Response:* The LCD does not limit the number of stains, but rather notes that records must contain documentation that supports the number of stains performed.

*Comment:* A commenter requested the addition of revenue codes 0310, 0311, 0312, 0314 and 0319.

*Response:* These codes have been added.

*Comment:* A commenter noted that 88342 and 88342-TC are payable in inpatient hospital and outpatient hospital.

*Response:* When performed on a hospital outpatient and billed to the FI, the technical component (or facility fee) would be paid per the Outpatient Prospective Payment System (OPPS) Ambulatory Payment Classification (APC). For an inpatient, there is no separate payment; it is part of the hospital's Diagnosis Related Group (DRG) payment.

*Comment:* A commenter noted that the statement in the Article that a separate consultation should not be used with IHC is contrary to the actual practice of pathology and is inconsistent with Medicare coverage guidance.

*Response:* As noted in the NCCI manual, a consultation may be billed with IHC in some situations, and thus this sentence will be removed from the article.